

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

AFZA ANJUM, JANET TERRANA, VERONICA
MONAHAN and CAMILLE FOREST,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

J.C. PENNEY COMPANY, INC.,
J.C. PENNEY CORPORATION, INC.,

Defendants.

Index No.: 1:13-cv-00460-RJD-RER

**NOTICE OF MOTION TO
CONDITIONALLY CERTIFY A
COLLECTIVE ACTION UNDER
THE FLSA**

PLEASE TAKE NOTICE that upon the Declaration of Brett R. Gallaway, Esq., of the law firm of McLaughlin & Stern, LLP, the Exhibits annexed thereto, and the accompanying memorandum of law, the Plaintiffs, by and through their attorneys, shall move this Court Honorable Raymond J. Dearie, United States District Judge, on a date to be determined by the Court, for an Order as follows:

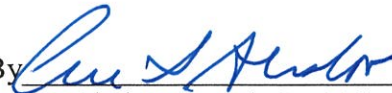
- (1) Permitting Plaintiffs to proceed as a collective action pursuant to Section 216(b) of the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b);
- (2) Compelling Defendants to furnish the names, last known physical addresses, last known email addresses and last known telephone numbers of those individuals in the collective action; and
- (3) Authorizing Plaintiffs to circulate a Notice of Pendency and Consent to Join Form to all individuals who are similarly situated in this action.

PLEASE TAKE FURTHER NOTICE that upon agreement by the parties, Defendants' opposition papers, if any, are to be served on or before June 13, 2013, or a later date upon agreement by the parties. Plaintiffs' reply, if any, is due on or before June 20, 2013, or on a later date upon agreement by the parties.

PLAINTIFFS RESPECTFULLY MOVE THIS COURT FOR AN ORDER granting conditional certification of the case as a collective action under 29 U.S.C. § 216(b), with appropriate requirements as to disclosure by the Defendants of the names, last known physical addresses, last known email addresses and last known telephone numbers of the Defendants' current and former Sales Associates, and appropriate notice to the prospective collective action members.

Dated: May 30, 2013
New York, NY

McLAUGHLIN & STERN, LLP

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Class, and the New York Class*